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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ANDREA RESNICK, GARY BUNKER, JOHN )  
HALEY, AMY LATHAM, ERIC ROSLANSKY and ) Case No. 09-0002 PJH  
KEVIN SIMPSON, on behalf of themselves and all )  
others similarly situated, )  
Plaintiffs, )  
v. )  
WALMART.COM USA LLC, WAL-MART )  
STORES, INC., and NETFLIX, INC., )  
Defendants. )  
)

) **ADMINISTRATIVE MOTION TO**  
)

) **CONSIDER WHETHER CASE**  
)

) **NO. 09-0349-EMC SHOULD BE**  
)

) **RELATED PURSUANT TO**  
)

) **CIVIL L.R. 3-12 AND 7-11**

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Plaintiff Sarah  
3 E. Grime submits this administrative motion for the Court to consider whether *Sarah E. Grime v.*  
4 *Netflix, Inc., et al.*, Case No. 09-0349 EMC, a putative class action filed on January 26, 2009,  
5 should be related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0002  
6 PJH, filed on January 2, 2009, the low-numbered action also pending in this District. The *Resnick*  
7 action has been assigned to the Honorable Phyllis J. Hamilton. In addition to the *Resnick* action,  
8 other related actions are pending in the District. They include: *Michael O'Connor v. Walmart.com*  
9 *USA LLC, et al.*, Case No. 09-cv-0096 PJH; *Sarah Endzweig v. Walmart.com USA LLC, et al.*,  
10 Case No. 09-cv-0111 PJH; *Christopher P. Schmitz v. Walmart.com USA LLC, et al.*, Case No. 09-  
11 cv-0116 PJH; *Scott Lynch, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0138 PJH;  
12 *Jonathan Groce, et al. v. Netflix, Inc., et al.*, Case No. 09-cv-0139 PJH; *Liza Sivek v. Walmart.com*  
13 *USA LLC, et al.*, Case No. 09-cv-0156 PJH; *Armond Faris v. Netflix, Inc., et al.*, Case No. 09-cv-  
14 0180 PJH; *Suzanne Slobodin v. Netflix, Inc., et al.*, Case No. 09-cv-0225 PJH; *Katherine M.*  
15 *Anthony, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0236 PJH; *Melanie Polk-Stamps*  
16 *v. Netflix, Inc.*, Case No. 09-cv-0244 JCS; *Cathleen Chapman v. Netflix, Inc.*, Case No. 09-cv-0294  
17 BZ; and *Michael Orozco v. Netflix, Inc.*, Case No. 09-cv-0297 MEJ.

18 The *O'Connor, Endzweig, Schmitz, Lynch, and Groce* actions were ordered related to the  
19 *Resnick* action on January 16, 2009. The *Sivek, Faris, and Anthony* actions were ordered related to  
20 the *Resnick* action January 26, 2009. All of these related actions have been assigned to the  
21 Honorable Phyllis J. Hamilton. The *Slobodin, Polk-Stamps, Chapman, and Orozco* actions have  
22 not been related to the *Resnick* action as of the filing of this Administrative Motion.

23 These actions involve substantially the same transactions, events, questions of law, and  
24 allege essentially the same violations of federal antitrust law against substantially the same  
25 Defendants. The suits allege that Defendants conspired to allocate the market for online DVD  
26 rentals, agreed not to compete in that market, and that Netflix monopolized the online DVD rental  
27 market. Defendants' actions are alleged to have harmed customers who were Netflix subscribers

1 by causing them to pay more for the subscriptions than they would have paid absent Defendants'  
2 illegal market allocation agreement.

3 It appears likely that there will be an unduly burdensome duplication of labor and expenses  
4 and potentially conflicting results if the cases are heard before different judges.

5 Given the similarities of these actions, assignment of these cases to a single Federal District  
6 Court Judge, will conserve judicial resources and promote efficient determination of the actions  
7 while avoiding potentially conflicting results. All fourteen cases pending in this District are at a  
8 preliminary stage and, thus, assignment to a single judge would not prejudice any other parties.  
9 Accordingly, Plaintiff Sarah E. Grime respectfully requests that the action entitled *Sarah E. Grime*  
10 *v. Netflix, Inc., et al.* be deemed related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al.*,  
11 the first filed case in this District, which is presently assigned to the Honorable Phyllis J. Hamilton.  
12

13 Dated: January 28, 2009.

Respectfully submitted:

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